

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
v.)	Cause No. 1:13-cr-00104-WTL-DKL
)	
REGINALD T. WALTON and)	-01
DAVID JOHNSON)	-03
)	
Defendants,)	

GOVERNMENT’S OBJECTION TO
PROPOSED PRELIMINARY JURY INSTRUCTIONS

The United States of America, by counsel, Josh J. Minkler, United States Attorney for the Southern District of Indiana, and Bradley A. Blackington, Assistant United States Attorney, and files this objection to the Court’s Preliminary Jury Instructions.

1. The third and fourth lines of the second full paragraph in Preliminary Instruction 9 contains the language “that is intended to deceive or cheat another and to deprive another of the intangible right to honest services....”

2. The language “deceive or cheat another” comes from the Seventh Circuit’s pattern instruction for conventional wire fraud and does not apply to honest services wire fraud. This language was also mistakenly inserted in Government’s Preliminary Instruction Number 6(A).

3. The government requests the court to delete the language “deceive or cheat

another and to” from the third line of the second full paragraph in Preliminary Instruction 6(A).

Respectfully Submitted,

JOSH J. MINKLER
United States Attorney

By: /s/ Bradley A. Blackington
Bradley A. Blackington
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2015, a copy of the foregoing Government's Proposed Jury Instructions was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: /s/ Bradley A. Blackington
Assistant United States Attorney

Office of the United States Attorney
10 West Market Street
Suite 2100
Indianapolis, Indiana 46204-3048
Telephone: (317) 226-6333
Fax: (317) 226-6125
Email: Bradley.Blackington@usdoj.gov